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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,741	10/29/2003	Yutaka Yamana	H9876.0054/P054-A	5402
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DICKSTEIN SHAPIRO LLP 1825 EYE STREET NW Washington, DC 20006-5403			EXAMINER THOMASSON, MEAGAN J	
			ART UNIT	PAPER NUMBER
			3714	
			MAIL DATE	DELIVERY MODE
			08/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/694,741

Applicant(s)

YAMANA ET AL.

Examiner

Meagan Thomasson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13, 15, 16, 25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13, 15, 16, 25 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/22/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

The examiner acknowledges the amendments made to claims 13,16,25 and 26.
Claims 1-12,14 and 17-24 are canceled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 13,15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boll et al. (US 5,644,720).

Regarding claims 13 and 16, Bolle discloses a network server connected to at least one client through a network, comprising a main server for accepting an initial connection request from said client (Fig. 1, Communications Interface 24), a plurality of

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sub-servers connected to said client that after acceptance by main server (Fig. 1, Client Applications **14-16**), and a memory remotely connected with said main server and sub-servers, that stores information relating to the sub-servers (Fig. 1, database **26**), the information including a number of players registered to each sub-server (col. 4, line 65 – col. 5, line 10, wherein the operational state of a client server includes capacity information, i.e. the number of current users), wherein said main server accesses said memory to obtain the information relating to the sub-servers and provides to said client information relating to the sub-servers on acceptance of an initial connection request from said client (col. 4, line 55 – col. 5, line 10), and said client is connected with one sub-server based on said information relating to the sub-servers (Fig. 1, col. 3, lines 47-51). In addition to the main memory **26** shown in Fig. 1, Bolle discloses that each client server **28,30,32,34** and **36** is connected to additional memories **40,42,44,46** and **48** (col. 1, lines 34-40). These additional memories “preferably include redundant data as necessary to facilitate optimal servicing of requests from client applications **12,14** and **16**” and “are shown as having identical data DB1, which is frequently demanded by client applications” (col. 1, lines 40-43). Further, the client servers “also include the ability to act as client applications to other computer service networks” (col. 47-50), i.e. a user may connect to other networks via the client server and without intervention by the main server. Because the additional memories connected to each client server contain redundant data for optimally service requests from client applications and said client servers have the ability to connect to additional networks upon client request, it would have been obvious to one of ordinary skill in the art at the time of the invention to

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store information relating to all other sub-servers, as this would be a redundancy of the data that is stored in database 26. Therefore, all of the claimed elements were known in the prior art and the invention disclosed by Bolle is capable of performing the functions of the instant claim limitations.

Regarding claim 15, Bolle discloses each of the sub-servers writes its own information to said memory (col. 4, lines 65-67).

Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boll et al. (US 5,644,720) in view of Sparks, II (US 6,352,479 B1).

Bolle discloses a network server connected to at least one client featuring a main server, a plurality of client servers and remotely located memory as described above. *Bolle does not specifically disclose the client is a game apparatus with which a plurality of controllers for inputting a signal corresponding to operations of players can be connected, in case that a network game is played between a plurality of the game apparatuses via the network server.* However, in an analogous network server invention, Sparks discloses the client is a game apparatus featuring a plurality of controllers (abstract, Fig. 4), wherein the game apparatus determines the number of players who participate on the network game by the player's operation of the controller (Fig. 7, No. Of Current Players), the game apparatus sends information of the number of the players to the sub-server connected with the game apparatus, the information of the number of players is stored in the sub-server connected with the game apparatus (Fig. 4, Playing Status Database 34). It would have been obvious to one of ordinary skill

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in the art at the time of the invention to combine the network server invention of Bolle with that of Sparks, i.e. a gaming apparatus featuring a plurality of controllers for inputting a signal, as they are analogous network servers for directly connecting a client terminal to a desired sub-server via a main server. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Response to Arguments

Applicant's arguments with respect to claims 13,15,16,25 and 26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pertinent prior art includes:


- Cuomo et al. (US 6,530,840 B1), drawn to a method and system for a multi-user game lobby and game session.
- Yamashita et al. (US 6,755,743 B1), drawn to a communication game system featuring a plurality of clients and a main network server.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meagan Thomasson whose telephone number is (571) 272-2080. The examiner can normally be reached on M-F 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Meagan Thomasson
August 23, 2007


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TC3700